

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of

Division

J. Brian Williams

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Paul Keith Licari

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

4:22 CV 5 ALM-KPJ
(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☒ Yes☐ No

FILED

JAN 04 2022

Clerk, U.S. District Court
Eastern District of Texas

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>J. Brian Williams</u>
Street Address	<u>PO Box 2503</u>
City and County	<u>McKinney Collin</u>
State and Zip Code	<u>Texas 75070</u>
Telephone Number	<u>918-605-9995</u>
E-mail Address	<u>rooktheorder@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Paul Keith Licari</u>
Job or Title (if known)	
Street Address	<u>PO Box 1099</u>
City and County	<u>Golden Grove South Australia 5125</u>

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State and Zip Code	Australia
Telephone Number	0426 273 789
E-mail Address (<i>if known</i>)	thisispestily@gmail.com

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question ☐ Diversity of citizenship

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Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

This Court is vested with subject matter jurisdiction pursuant to the Copyright Act, 17 U.S.C. § 101 et seq., § 106, § 512(g)(3)(D) and 28 U.S.C. §§ 1331 and 1338(a).

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

- a. If the plaintiff is an individual
The plaintiff, (name) _____, is a citizen of the
State of (name) _____.
- b. If the plaintiff is a corporation
The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

- a. If the defendant is an individual
The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.
- b. If the defendant is a corporation
The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.
See Attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.
See Attached

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

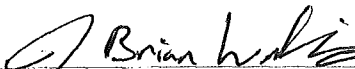
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1-5-22

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Signature of Plaintiff
Printed Name of Plaintiff


S. Brian Williams

B. For Attorneys

Date of signing: _____

Signature of Attorney
Printed Name of Attorney
Bar Number
Name of Law Firm
Street Address
State and Zip Code
Telephone Number
E-mail Address

FACTUAL ALLEGATIONS

1. Plaintiff is the owner of the copyright The Twelve Patches of Christmas Tarkov Style.
2. The Twelve Patches of Christmas Tarkov Style is a Song with original lyrics written by Plaintiff and to be sung or performed to the music of The Twelve Days of Christmas.
3. The Twelve Patches of Christmas Tarkov Style was first published on October 9th 2019 when it was uploaded and fixed in a tangible medium of expression.
4. The Twelve Patches of Christmas Tarkov Style has been registered to the United States Copyright Office prior to this filing.
5. Plaintiff was made aware of Defendant Licari's desire to make a Tarkov Christmas song through a public twitter post on December 9th 2021.
6. Plaintiff attempted to reach out to Licari to ensure there would be no conflicts of interest but never received response back from Licari.
7. On December 19th 2021 Licari uploaded The Twelve Days of Tarkmas using lyrics identical and or similar to The Twelve Patches of Christmas Tarkov Style.
8. On December 20th 2021 Plaintiff filed a DMCA request to the service provider notifying them of copyright infringement.
9. On December 20th 2021 Licari contacted Plaintiff claiming that Plaintiff had no ownership of the lyrics in The Twelve Patches of Christmas Tarkov Style and that Licari had no ownership of lyrics in The Twelve Days of Tarkmas.
10. On December 21st 2021 Licari uploaded The Twelve Days of Tarkmas to eight additional service providers.
11. On December 21st 2021 Licari contacted Plaintiff with a timestamp of a video marking the times when the identical and or similar lyrics were used by Licari.
12. On December 26th 2021 Licari made a public tweet openly discussing the pending DMCA situation and directly naming the Plaintiff to his two hundred and thirty thousand followers.
13. On December 26th 2021 following the public tweet by Licari hundreds of angry people flooded the Plaintiff's social media platforms with false down votes, death threats against the Plaintiff and Plaintiff's family and additional public tweets to attempt further harm to the plaintiff's sole source of income.

14. On the night of December 26th 2021 Plaintiff contacted Licari to once more try to reach an amicable agreement between parties. Licari refused any agreement prior to the DMCA strike being removed.
15. On December 27th 2021 Licari filed a DMCA counter notice to the service provider and a statement under penalty of perjury to consent to the jurisdiction of the Federal District Court and accepts service of process.
16. Defendant had reasonable access to Plaintiff's work and there is probative similarity between the protected materials in Plaintiff's work.
17. Defendant's infringements were willful and in bad faith.
18. Defendant is fully aware they had no authorized permission from Plaintiff.
19. Defendant's use of social media to pressure Plaintiff to remove the DMCA strike has caused, and will continue to cause, substantial and irreparable harm and damages to plaintiff.
20. Defendant's knowing and intentional copyright infringement as alleged herein has caused, and will continue to cause, substantial and irreparable harm to Plaintiff, and has caused, and will continue to cause, damage to Plaintiff. Plaintiff is therefore entitled to injunctive relief, damages, Defendant's profits, increased damages, and reasonable attorney's fees and costs.

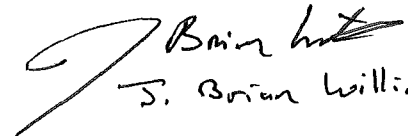
JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action on all issues triable by jury.

PRAYER FOR RELIEF

Plaintiff prays for the following relief:

1. Defendant be ordered to pay to Plaintiff actual damages, plus the amount of Defendant's profits attributable to the infringement, 17 U.S.C. § 504(b), or in the alternative, to pay Plaintiff statutory damages pursuant to 17 U.S.C. § 504(c);
2. Defendant pay Plaintiff reasonable attorneys' fees, costs, and expenses pursuant to 17 U.S.C. § 505;
3. Pre-judgement interest at the legally allowable rate on all amounts owed;
4. For preliminary and permanent injunctions by this Court prohibiting Defendant from engaging or continuing to engage in the unlawful conduct that infringes Plaintiff's copyright in the song.
5. Preliminary and permanent injunctive relief against Defendant and those persons or companies in active concert or participation with Defendant, including their officers, agents, servants, employees, attorneys, and representatives from reproducing, making derivative works of, distributing, or displaying the Song; and
6. Such other and further relief as this Court deems just and proper.


S. Brian Williams

8749 Wade Blvd.
Frisco, TX 75034
918-605-9995